

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 1, 2, 4, 6-11, 13, 20, 21, 23, 25-27 and 42-57 were pending in this application. Claims 1, 4, 6-10, 13, 20, 23, 25, 26, 42-45, and 47-57 have been amended, no claims have been added, and no claims have been canceled herein. Therefore, claims 1, 2, 4, 6-11, 13, 20, 21, 23, 25-27 and 42-57 remain pending in this application. Applicant respectfully requests reconsideration of these claims for at least the reasons presented below.

35 U.S.C. § 103 Rejection, Elly in view of Fox

In the Office Action claims 1, 2, 4, 6-11, 13, 20, 21, 23, 25-27, 42-56 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent Application No. 7,058,798 B1 to Elley et al. (hereinafter "Elley"), in view of U.S. Patent No. 6,842,863 B1 to Fox et al. (hereinafter "Fox"). The Applicants respectfully submit that the Office Action does not establish a *prima facie* case of obviousness in rejecting these claims, as amended. Therefore, the Applicants request reconsideration and withdrawal of the rejection.

In order to establish a *prima facie* case of obviousness, the Office Action must establish: 1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine their teachings; 2) a reasonable expectation of success of such a modification or combination; and 3) a teaching or suggestion in the cited prior art of each claimed limitation. See MPEP §706.02(j). As will be discussed below, the references cited by the Office Action do not teach or suggest each claimed limitation.

Elley is directed to relates generally to "authorization for access to a resource between entities in a network, and more particularly to the maintenance of credentials required for access to the resource." (Col. 1, lines 26-29) However, as the Office Action correctly points

out, Elley does not teach or suggest determining whether to check the status of a certificate in real time. (Office Action page 3) Rather, under Elley "the entity that has the burden of gathering the credentials, pro-actively refreshes the credentials and keeps them current." (Col. 3, lines 44-46) That is, the entity that has the burden of gathering the credentials, i.e., the presenter of the credentials, periodically refreshes the credentials upon the occurrence of a trigger event and saves the credential to be presented for authentication. (Col. 3, line 61 - col. 4, line 41) Thus, Elley does not teach or suggest determining whether to check the status of a certificate in real time.

Furthermore, Elley fails to teach or suggest other claimed elements related to checking the status of a certificate in real time. For example, Elley does not teach or suggest retrieving a certificate and a real time status for the certificate from a certificate authority and storing the certificate and said real time status in an identity system, wherein the certificate authority is external to the identity system. Elley also does not teach or suggest receiving at the identity system a request to export the certificate and determining with the identity system whether to check a status for said certificate. Elley does not teach or suggest wherein determining whether to check the status for the certificate comprises querying a parameter field in the identity system. Elley fails to teach or suggest in response to determining to check the status for said certificate, determining with the identity system whether to check the status for the certificate in real time. Elley also does not teach or suggest wherein determining whether to check the status for the certificate in real time comprises querying a parameter field in the identity system. It is noted that the Office Action introduces Fox to demonstrate a teaching of determining whether to check the status of a certificate in real time.

Fox is directed to "using a certificate authority to first provide a customer with a digital certificate, and then having a relying third party who receives that digital certificate from the customer access a status authority (the certificate authority or a designated agent of the certificate authority) to receive a second, reissued digital certificate on the first digital certificate or its public key." (Col. 2, lines 19-25) Under Fox an end entity obtains a certificate from a certificate authority. (Col. 4, line 64 - col. 5, line 3) Upon initiation of a transaction, the end

entity presents this certificate to a relying party for authentication. (Col. 5, lines 37-40) The relying party, based on execution of its own policy engine, then determines whether to check the status of this certificate. (Col. 5, lines 43-47) Based on the relying party's policies, "the relying party accesses a status authority (i.e., the certificate authority or a designated agent thereof) to receive a second, 'reissued' digital certificate on the digital certificate." (Col. 5, lines 57-60)

However, Fox does not teach or suggest, alone or in combination with Elley, all of the claimed elements. For example, Fox fails to teach or suggest retrieving a certificate and a real time status for the certificate from a certificate authority and storing the certificate and said real time status in an identity system, wherein the certificate authority is external to the identity system. Under Fox, two embodiments are disclosed. In one, the certificate authority acts as the status authority and in the second, the status authority is a designated agent of the certificate authority. (Col. 5, lines 57-59) However, the status authority does not retrieve a certificate and a real time status for the certificate from the certificate authority and store the certificate and real time status. Rather, the status authority, whether it is the certificate authority or an agent thereof, in response to the request from the relying party, issues a new certificate. (Col. 7, lines 19-25)

Fox also fails to teach or suggest receiving at the identity system a request to export the certificate and determining with the identity system whether to check a status for said certificate. Under Fox, neither the certificate authority nor the status authority determine whether to check the status for the certificate. Rather, the relying party's policy engine makes this determination. (Col. 5, lines 43-47) The certificate authority and the status authority of Fox simply reply to requests from the end entity or the relying party by issuing certificates. Thus, Fox also fails to teach or suggest wherein determining whether to check the status for the certificate comprises querying a parameter field in the identity system, in response to determining to check the status for said certificate, determining with the identity system whether to check the status for the certificate in real time, and wherein determining whether to check the status for the certificate in real time comprises querying a parameter field in the identity system.

Independent claims 1 and 20, upon which claims 2, 4, 6, 8, 9, 11, 13, 21, 23, and 25-27 depend, both recite in part "retrieving a certificate and a real time status for the certificate from a certificate authority; storing the certificate and said real time status in an identity system, wherein the certificate authority is external to the identity system; storing validation information for said certificate in the identity system, wherein said validation information includes an identifier of a time said real time status was retrieved and a validation interval for said real time status; receiving at the identity system a request to export the certificate; determining with the identity system whether to check a status for said certificate, wherein determining whether to check the status for the certificate comprises querying a parameter field in the identity system; and in response to determining to check the status for said certificate, determining with the identity system whether to check the status for the certificate in real time, wherein determining whether to check the status for the certificate in real time comprises querying a parameter field in the identity system." Neither Elley nor Fox, alone or in combination, teaches or suggests retrieving a certificate and a real time status for the certificate from a certificate authority and storing the certificate and said real time status in an identity system, wherein the certificate authority is external to the identity system; receiving at the identity system a request to export the certificate and determining with the identity system whether to check a status for said certificate; wherein determining whether to check the status for the certificate comprises querying a parameter field in the identity system; in response to determining to check the status for said certificate, determining with the identity system whether to check the status for the certificate in real time; and wherein determining whether to check the status for the certificate in real time comprises querying a parameter field in the identity system. For at least these reasons, claims 1, 2, 4, 6, 8, 9, 11, 13, 20, 21, 23, and 25-27 should be allowed.

Similarly, claim 42, upon which claims 43-49 depend, and claim 50, upon which claims 51-57 depend, both recite in part "retrieving a certificate and a real time status for the certificate from a certificate authority; storing the certificate and the real time status in an identity system, wherein the certificate authority is external to the identity system; storing validation information for the certificate in the identity system, wherein the validation

information includes an identifier of a time the real time status was retrieved and a validation interval for the real time status; receiving at the identity system a request to export the certificate; determining with the identity system whether to check a status for the certificate; in response to determining to not check the status for the certificate, exporting the certificate from the identity system without checking the status for the certificate; in response to determining to check the status for the certificate, determining with the identity system whether to check the status for the certificate in real time; and in response to determining to check the status for the certificate in real time, retrieving a new real time status for the certificate from the certificate authority."

Neither Elley nor Fox, alone or in combination, teaches or suggests retrieving a certificate and a real time status for the certificate from a certificate authority and storing the certificate and said real time status in an identity system, wherein the certificate authority is external to the identity system; receiving at the identity system a request to export the certificate and determining with the identity system whether to check a status for said certificate; and in response to determining to check the status for said certificate, determining with the identity system whether to check the status for the certificate in real time. For at least these reasons, claims 42-57 should be allowed.

Furthermore, dependent claims 48, 49, 56, and 57 are thought to be allowable for additional reasons. For example, neither Elley nor Fox, alone or in combination, teaches or suggests wherein determining whether to check the status for the certificate comprises querying a parameter field in the identity system as recited in claims 48 and 56. Similarly, neither Elley nor Fox, alone or in combination, teaches or suggests wherein determining whether to check the status for the certificate in real time comprises querying a parameter field in the identity system as recited in claims 49 and 57. For at least these additional reasons, claims 48, 49, 56, and 57 should be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/William J. Daley/
William J. Daley
Reg. No. 52,471

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

WJD:jep
61089809 v1